

ZB# 99-19

James Librizzi

23-4-5

Prelim.

May 24, 1999.

Apps. furnished

Photos have 4

7000 due ^{4.0} 5/25/99.
Notice to Seize

Public Hearing:

June 14, 1999.

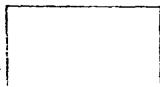
Granted

Area Variance

Refund: \$203.00

#99-19-Librizzi, James

Area 23-4-5.



DATE RECEIVED 25. 1999

RECEIPT



Wilson Jones - Carvers - Stamps - Signs - Cl. Typists

© Wilson Jones, 1980

DATE May 25, 1999 RECEIPT 0555-1
RECEIVED FROM Dorothy Lubuzzi
Address _____
Fifty 00/100 DOLLARS \$ 50.00
FOR ZBA #99-19

ACCOUNT		HOW PAID	
BEGINNING BALANCE		CASH	Ch # 380
AMOUNT PAID		CHECK	50.00
BALANCE DUE		MONEY ORDER	

Town Clerk
BY Dorothy H. Hansen
sh

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Librizzi, James.

FILE# 99-19.

RESIDENTIAL: \$50.00
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA X

USE _____

APPLICATION FOR VARIANCE FEE \$ 50.00

*paid
ck # 380
5/25/99*

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 300.00.

paid " 379

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE 5/24/99-3 \$ 13.50
2ND PRELIMINARY- PER PAGE 6/14/99-3 \$ 13.50
3RD PRELIMINARY- PER PAGE \$ _____
PUBLIC HEARING - PER PAGE \$ _____
PUBLIC HEARING (CONT'D) PER PAGE \$ _____

TOTAL \$ 27.00

ATTORNEY'S FEES: \$35.00 PER MEEETING

PRELIM. MEETING: 5/24/99 \$ 35.00
2ND PRELIM. 6/14/99 \$ 35.00
3RD PRELIM. \$ _____
PUBLIC HEARING. \$ _____
PUBLIC HEARING (CONT'D) \$ _____

TOTAL \$ 70.00

MISC. CHARGES:

..... \$ _____
TOTAL \$ 97.00.

LESS ESCROW DEPOSIT \$ 300.00
(ADDL. CHARGES DUE) \$ _____
REFUND DUE TO APPLICANT . \$ 203.00

In the Matter of the Application of

JAMES LIBRIZZI

#99-19.

**MEMORANDUM OF
DECISION GRANTING
AREA VARIANCE**

WHEREAS, JAMES LIBRIZZI, residing at 15 St. Joseph's Place, New Windsor, New York, N. Y. 12553, has made application before the Zoning Board of Appeals for a 6 ft. side yard variance for an existing shed at the above single-family residence in an R-4 zone; and

WHEREAS, a public hearing was held on the 14th day of June, 1999 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared on behalf of himself for this Application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in favor or in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.

2. The evidence presented by the Applicant showed that:

(a) The property is a residential property consisting of a one-family home located in an R-4 zone neighborhood containing one-family homes.

(b) The existing shed has been on the property for at least 4 or 5 years.

(c) There have been no complaints either formal or informal filed about the shed.

(d) The shed is located and landscaped in such a way that it cannot be seen except by occupants of the property which it serves.

(e) The shed is similar to other sheds in the neighborhood.

(f) The shed is extensively landscaped and anchored to the ground.

(g) The shed is not located on top of any water or sewer easements.

(h) The shed causes or adds to no drainage difficulties.

(i) The shed was originally located between two large trees which additionally helped to block view of the shed. Although those two trees have now been removed the view of this shed is still blocked.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.

2. There is no other feasible method available to the Applicant which can produce the benefits sought.

3. The variance requested is substantial in relation to the Town regulations but nevertheless is warranted for the reasons listed above.

4. The requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed.

6. The benefit to the Applicant, if the requested variance is granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.

7. The requested variance is appropriate and is the minimum variance necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The interests of justice will be served by allowing the granting of the requested area variance.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a

request for a 6 ft. side yard variance for an existing at the above address, in an R-4 zone as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: August 9, 1999.



Chairman

Date 7/6, 1999.

TOWN OF NEW WINDSOR

**TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553**

TO James A. Librizzi DR. 15 St. Joseph Pl., New Windsor, N.Y. 12553

DATE	CLAIMED	ALLOWED
7/6/99	Refund of Escrow Deposit - # 99-19	203.00
<p>Approved: Patricia A. Baurhart</p> <p>ZBA</p>		

STATE OF NEW YORK,
TOWN OF NEW WINDSOR

} ss.

.....

I hereby certify, that the items of this account are correct; that the disbursements and services charged therein have in fact been made and rendered, and that no part thereof has been paid or satisfied, that the amount herein mentioned is in full settlement for all services rendered and materials furnished.

Sign Here

No.

Town of New Windsor

.....
Nature

Amount Claimed \$

Amount Allowed \$

Filed

I hereby certify that at a meeting of
said Town Board held at the office of the
Town Clerk on the day

of, 19.....

the within claim was audited and allowed
for the sum of

\$

.....
Clerk

© CURRENT, INC. • TO REORDER: 1-800-364-3244 • COUNTRYWIDE

DOROTHY LIBRIZZI
JAMES A. LIBRIZZI
15 ST. JOSEPH PL.
NEW WINDSOR, NY 12553

380

29-7003/2213

May 25 19 99
Pay to the order of Town of New Windsor \$ 50.00
Fifty and no/100 Dollars

ALBANK, FSB
VAIRS GATE OFFICE 24
ROUTE 32 AND OLD TEMPLE HILL ROAD
VAIRS GATE, NEW YORK 12584

For VAR ZBA #99-19 James A. Librizzi
⑆ 221370030⑆ 24 05302 7⑈ 0380

© CURRENT, INC. • TO REORDER: 1-800-364-3244 • COUNTRYWIDE

DOROTHY LIBRIZZI
JAMES A. LIBRIZZI
15 ST. JOSEPH PL.
NEW WINDSOR, NY 12553

379

29-7003/2213

May 25 19 99
Pay to the order of Town of New Windsor \$ 300.00
Three hundred and no/100 Dollars

ALBANK, FSB
VAIRS GATE OFFICE 24
ROUTE 32 AND OLD TEMPLE HILL ROAD
VAIRS GATE, NEW YORK 12584

For VAR ZBA #99-19 James A. Librizzi
⑆ 221370030⑆ 24 05302 7⑈ 0379

Date 6/30/99, 19.....

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Frances Roth
168 N. Drury Lane
Newburgh, N.Y. 12550 DR.

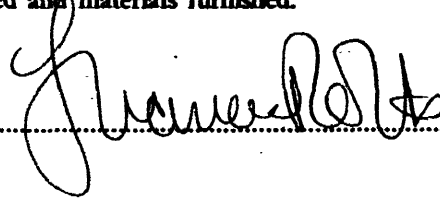
DATE			CLAIMED	ALLOWED
6/14/99		Zoning Board Mtg	75 00	
		Misc. - 2		
		Barton - 2		
		Bila - 4		
		Handel - 3		
		Husted - 8		
		Paulik - 3		
		Libazzi - 3 - \$13.50		
		JMK - 3		
		28	112 00	
			187 00	

STATE OF NEW YORK,
TOWN OF NEW WINDSOR

ss.

I hereby certify, that the items of this account are correct; that the disbursements and services charged therein have in fact been made and rendered, and that no part thereof has been paid or satisfied, that the amount herein mentioned is in full settlement for all services rendered and materials furnished.

Sign Here



No.

Town of New Windsor

Nature

Amount Claimed \$

Amount Allowed \$

Filed

I hereby certify that at a meeting of
said Town Board held at the office of the
Town Clerk on the day

of, 19.....

the within claim was audited and allowed

for the sum of

\$

Clerk

LIBRIZZI, JAMES

MR. NUGENT: Request for 6 ft. side yard variance for existing shed at 15 St. Joseph's Place in an R-4 zone.

Mr. Librizzi appeared before the board for this proposal.

MR. TORLEY: It would be economically infeasible for you to move this shed?

MR. LIBRIZZI: Yes, I really can't get any equipment in there, if I move it.

MR. KANE: Plus you'd have to dig out landscaping a little bit of a slope to move it off of that?

MR. LIBRIZZI: Yes.

MR. KRIEGER: How is the shed anchored to the ground?

MR. LIBRIZZI: It's on block.

MR. KRIEGER: The block is in the ground?

MR. LIBRIZZI: It's on top of the ground.

MR. TORLEY: But again, it would be landscaped, in order to move it, you'd lose plantings that you have?

MR. LIBRIZZI: Yeah, but it would be pretty hard to move.

MR. KANE: How long has it been up at this point?

MR. LIBRIZZI: Oh, four, five years anyway.

MR. KRIEGER: Have you had any complaints, either formal or informal?

MR. LIBRIZZI: No. Originally, it was in between two spruce trees that came down in the storm.

MR. KRIEGER: Nobody's complained?

MR. LIBRIZZI: No and it's blocked off, nobody can see it really except me.

MR. KRIEGER: Are there other sheds in the neighborhood, maybe not as nice but similar sheds?

MR. LIBRIZZI: Yes, there is.

MR. KANE: No water drainage problems?

MR. LIBRIZZI: No.

MR. TORLEY: Not over any water or sewer easements?

MR. LIBRIZZI: No.

MR. KRIEGER: Why did you locate it where you located it? Why did you choose that location?

MR. LIBRIZZI: Because, like I say, originally, it was just blocked off land there with these trees and it just set in between the trees there and I, like I say, then when the trees had to have them cut down because of the storm.

MR. KRIEGER: What's between the shed and the closest neighbor?

MR. LIBRIZZI: Now?

MR. KRIEGER: Now, physically?

MR. LIBRIZZI: Their driveway, there's no, I mean, I'm not blocking anything, they have the driveway there.

MR. KRIEGER: Their driveway and then their house?

MR. LIBRIZZI: Yes and then their house and it's all lilac and trees and you can see right behind blocking that from their driveway, even they can't even see it.

MR. TORLEY: So, the initial site was between two large trees that also helped hide the shed from your neighbors?

June 14, 1999

24

MR. LIBRIZZI: Originally, yes.

MR. TORLEY: Well, you put it in when the trees were there so--

MR. NUGENT: Let the record so there's no one in the audience.

MS. BARNHART: We sent out 49 notices on May 25 to all the property owners adjacent.

MR. KANE: Mr. Chairman, accept a motion?

MR. NUGENT: Yes.

MR. KANE: Move that we approve the application by James Librizzi for the requested variances at 15 St. Joseph's Place.

MR. TORLEY: Second it.

ROLL CALL

MR. TORLEY	AYE
MR. KANE	AYE
MR. NUGENT	AYE

**OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK**

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (914)563-4630 TO
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

DATE: May 11, 1999

APPLICANT: James Librizzi
15 St. Joseph Place
New Windsor, New York 12553

*Revised
NOD*

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: May 10, 1999

FOR : Existing 6 X 10 Shed

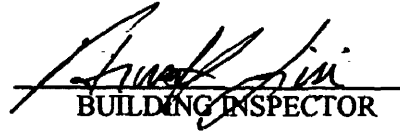
LOCATED AT: 15 St. Joseph Place

ZONE: R-4

DESCRIPTION OF EXISTING SITE: 23-4-5

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. Existing shed does not meet minimum side yard set back.


BUILDING INSPECTOR

PERMITTED 10'

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: R-4 USE: 48-14-A-(1)-(B)

MIN. LOT AREA:

MIN LOT WIDTH:

REQ'D.. FRONT YD:

REQ'D. SIDE YD:

X 4' *lin* 5-20-99

X 6' *lin* 5-20-99

REQD. TOTAL SIDE YD:

REQ'D REAR YD:

REQ'D FRONTAGE:

MAX. BLDG. HT.:

FLOOR AREA RATIO:

MIN. LIVABLE AREA:

DEV. COVERAGE:

cc: Z.B.A., APPLICANT, FILE ,W/ ATTACHED MAP

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be inspected and corrected.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and underslab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

RECEIVED
MAY 10 1999

BUILDING DEPARTMENT

FOR OFFICE USE ONLY:
Building Permit #: _____

AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS REQUIRED BEFORE PERMIT WILL BE ISSUED

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises JAMES A. LIBRIZZI

Address 15 ST. JOSEPH PLACE Phone 565-2106

Mailing Address SAME

Name of Architect _____

Address _____ Phone _____

Name of Contractor _____

Address _____ Phone _____

State whether applicant is owner, lessee, agent, architect, engineer or builder

OWNER

If applicant is a corporation, signature of duly authorized officer.

(Name and title of corporate officer)

1. On what street is property located? On the EAST side of ST. JOSEPH PLACE
(N,S,E or W)
and APPROX 350' feet from the intersection of ST. JOSEPH AND UNION AVE.

2. Zone or use district in which premises are situated _____ Is property a flood zone? Y N ✓

3. Tax Map Description: Section 23 Block 4 Lot 5

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy SHED-FOR STORAGE b. Intended use and occupancy STORAGE C-4

5. Nature of work (check if applicable) New Bldg ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☐ Other ☒

6. Is this a corner lot? NO

existing 6x10 shed

7. Dimensions of entire new construction. Front 10' Rear 10' Depth 6' Height 7' No. of stories _____

8. If dwelling, number of dwelling units: _____ Number of dwelling units on each floor _____

Number of bedrooms _____ Baths _____ Toilets _____ Heating Plant: Gas _____ Oil _____

Electric/Hot Air _____ Hot Water _____ If Garage, number of cars _____

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____

10. Estimated cost _____

\$50.00
Fees

1 more needed

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK

date

/ /
date

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock
Asst. Inspectors: Frank Lisi & Louis Krychear
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(914) 563-4618
(914) 563-4693 FAX

Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____

INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

James Libuzzi
(Signature of Applicant)

15 ST. JOSEPH PLKE
(Address of Applicant)

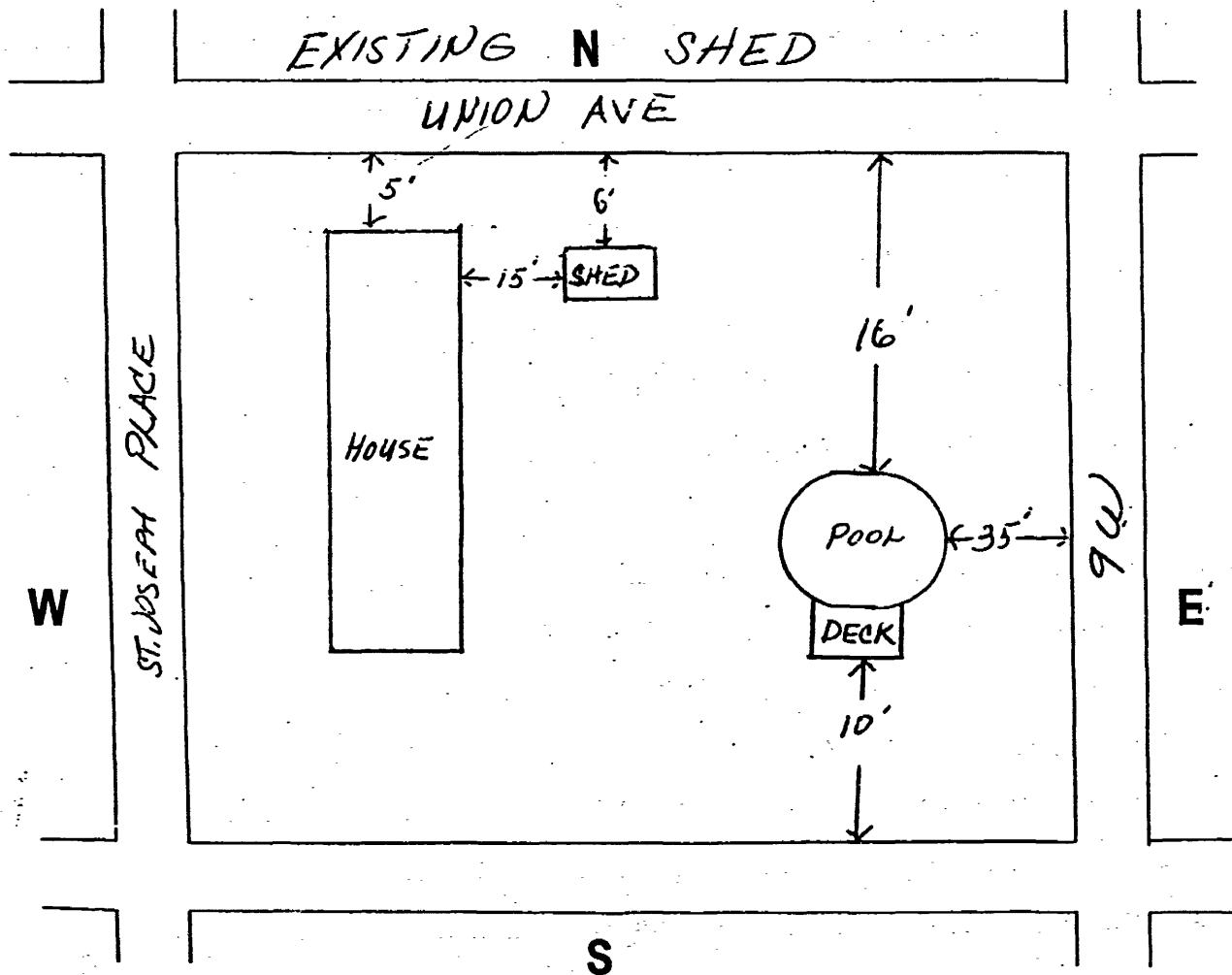
James Libuzzi
(Owner's Signature)

15 ST. JOSEPH PLACE
(Owner's Address)

PLOT PLAN

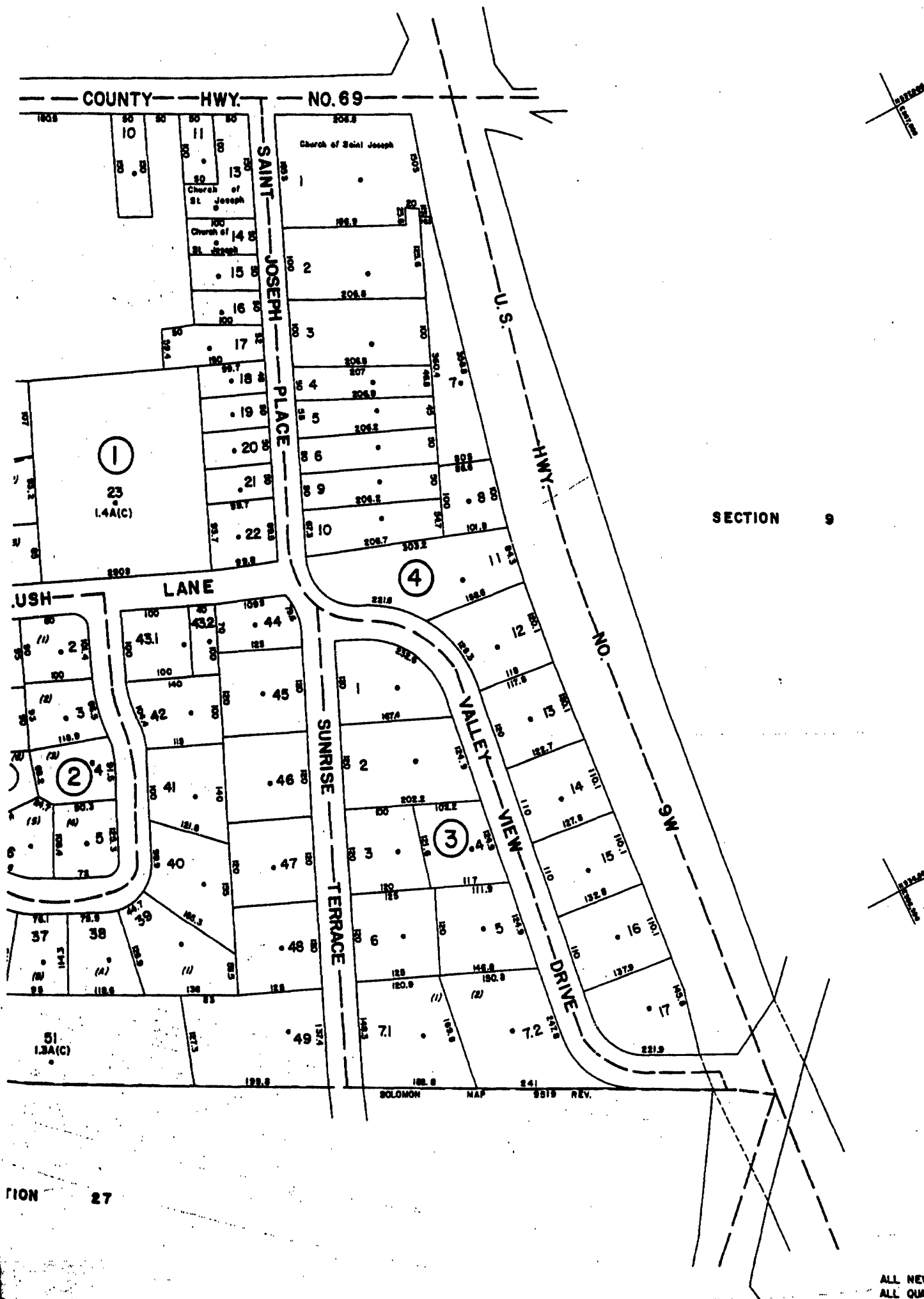
NOTE:

Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.



PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
 IMPORTANT
 YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy will be required.



ALL NEWBURGH SCHOOL DISTRICT
ALL QUASSACK BRIDGE FIRE DISTRICT

PLAN NO.	6-496,497
DATE OF PHOTO	3-1-65
DATE OF MAP	9-24-67
DATE OF REVISION	3-1-94

ORANGE COUNTY-NEW YORK

TOWN OF NEW WINDSOR

Photo No. 6-496,497
Date of Photo: 3-1-65
Date of Map: 9-24-67
Date of Revision: 3-1-94

Section No. 23

Scale: 1" = 100'

TOWN-1224
1-888-345-7334



SCALE IS 1/10 OF AN INCH

SECTION 20

UNION AVENUE

QUASSAICK AVENUE
N.Y. STATE HWY. NO. 94

SECTION 22

QUASSAICK AVENUE

CEDAR AVENUE

AVENUE

3.3A(C)

4
3.1A(C)

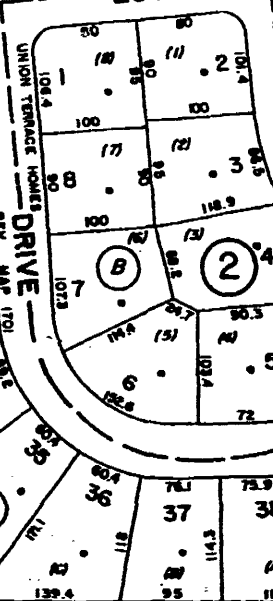
8
4.6A(C)

53.1
2.9A(C)

SEE SECTION 84
1" = 400'
(CONDO)

ELLISON DRIVE

LUSH



51
1.3A(C)

GRANITE CO. INC. 1000 WEST
MAIN ST. CHICAGO, ILL. 60601

FOR THE PURPOSES ONLY

NOT TO BE USED FOR CONVEYANCE

LEGEND

STATE OR COUNTY LINE	FILED PLAN LOT LINE	TAX MAP BLOCK NO.	FILED PLAN BLOCK NO.
CITY TOWN OR VILLAGE	WARRANTY LINE	TAX MAP PARCEL NO.	FILED PLAN LOT NO.
BLOCK & SECTION LINE	MATCH LINE	AREAS (Dead) IL 14, (Saturated) IL 140	STATE HIGHWAYS
SPECIAL DISTRICT LINE	STREAMS	DIMENSIONS (Dead) as (Saturated) 702	COUNTY HIGHWAYS
PROPERTY LINE	AND COORDINATE CENTROID		TOWN ROADS

446

[illegible]

LIBRIZZI, JAMES

MR. NUGENT: Request for 4 ft. side yard variance for existing shed located at 15 St. Joseph's Place in an R-4 zone.

Mr. Librizzi appeared before the board for this proposal.

MR. LIBRIZZI: I think she has a new one there, it's not, it was reverse numbers.

MS. BARNHART: This is amended, looking for six foot now.

MR. NUGENT: What's the right one, four or six?

MS. BARNHART: Well, it's six here.

MR. TORLEY: The key will be to make sure you have the right measurements.

MS. BARNHART: We already told him that. Just don't change it again, all right?

MR. LIBRIZZI: No, I had them reversed, I had four and six instead, put the numbers down backwards. Here's pictures, yeah, it's very well hidden from the neighbor, you can see it's all bushes. Actually, it was a couple large spruce trees when I put it in there and in between them.

MR. NUGENT: And your reasoning for being before us?

MR. LIBRIZZI: Well, not only the fact that it's wrong, I plead a little ignorance to putting it there in the first place, but the lot being so narrow to begin with, you know, it's an older section of town and when you put, it's only about average is about a foot wide, so you move it out and it's in the middle of the yard and right now, it's very hard to get in there with any kind of machine or anything to move it, it's built there, it's not something that I can, it's not an erector set, I mean.

MR. KRIEGER: What kind of foundation is it on?

MR. LIBRIZZI: It's on block, you know, it was just hammered in and built right on the spot but on block, it's put on block.

MR. REIS: To move it would not be practical?

MR. LIBRIZZI: That's what I'm saying.

MR. REIS: No complaints from your neighbors?

MR. LIBRIZZI: No, it's been there five or six years now, they wouldn't notice whether it was missing or not with all the shrubbery there around it.

MR. NUGENT: Can we keep these in your file?

MR. LIBRIZZI: Yeah, sure.

MR. NUGENT: I'll accept a motion.

MR. REIS: Mr. Chairman, I make a motion that we set Mr. Librizzi up for his requested variances and public hearing.

MR. TORLEY: Second it.

ROLL CALL

MR. REIS	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE

MS. BARNHART: He's got his paperwork.

MR. KRIEGER: If you would take those criteria there, if you would address yourself to those criteria at the public meeting, that would be helpful, since those are the criteria on which the State requires the Zoning Board to act. Okay? Thank you.

MR. LIBRIZZI: Do I need any dates?

MR. NUGENT: When you get the information back to Pat,

May 24, 1999

6

we'll set you up. Thank you.

MR. LIBRIZZI: Thank you.



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (914) 563-4631
Fax: (914) 563-4693

Assessors Office

(49)

May 24, 1999

Mr. James Librizzi
15 St. Joseph's Place
New Windsor, NY 12253

RE: 23-4-5

Dear Mr. Librizzi:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$ 65.00, minus your deposit of \$25.00.

Please remit the balance of \$ 40.00 to the Town Clerk's office.

Sincerely,

S. Cook (ev)

Leslie Cook
Sole Assessor

/ev

Attachments

Cc: Pat Barnhart, ZBA

Francis J. Sylvester ✓
Hudson Bluff Drive
Marlboro, NY 12542

Bruce Feldman ✓
20 St. Joseph's Place
New Windsor, NY 12553

County of Orange ✓
255-275 Main St.
Goshen, NY 10924

Violet Schumske ✓
39 Union Ave
New Windsor, NY 12553

Joan Polkowski ✓
22 St. Joseph's Place
New Windsor, NY 12553

Michael Itskovich ✓
4 Sunrise Terrace
New Windsor, NY 12553

Roger D. & Barbara J. Joslyn ✓
35 Union Ave
New Windsor, NY 12553

James & Cathy Brannigan ✓
8 Lush Lane
New Windsor, NY 12553

Arline Hekl ✓
6 Sunrise Terrace
New Windsor, NY 12550

Church of St. Joseph ✓
4 St. Joseph's Place
New Windsor, NY 12553

Peter E. & Deborah C. Weisenberg ✓
26 Ellison Drive
New Windsor, NY 12553

Paul P. Ruzzi ✓
Susan K. Rogers
8 Sunrise Terrace
New Windsor, NY 12553

Elizabeth & James O'Mara ✓
8 St. Joseph's Place
New Windsor, NY 12553

Vincent & Linda DiGiacomo ✓
28 Ellison Drive
New Windsor, NY 12553

Daniel J. Diane Nanni ✓
9 Lush Lane
New Windsor, NY 12553

Albert & Susan Ashworth ✓
10 St. Joseph's Place
New Windsor, NY 12553

Lloyd & Marilyn St. John ✓
P.O. Box 4062
New Windsor, NY 12553

Virginia Treshman Quinn ✓
7 Lush Lane
New Windsor, NY 12553

Joseph A. Kissel Jr. ✓
12 St. Joseph's Place
New Windsor, NY 12553

John & Mary Meenagh ✓
35 Ellison Dr.
New Windsor, NY 12553

KOA ✓
4276 US Highway 4415
Okeechobee, FL 34974

The Administrator of Veterans Affairs ✓
Regional Offices
252 Seventh Ave
New York, NY 10001

Ronald J. Travaglione ✓
Virginia M. Mackey
19 Foxwood Drive
Newburgh, NY 12550

Eugene S. Panarello ✓
C/o Fred Borath
6 Ellison Drive
New Windsor, NY 12553

Arthur P. & Anne Marie Johnson ✓
16 St. Joseph's Place
New Windsor, NY 12553

Michael J. Clark Trust ✓
5 Ellison Drive
New Windsor, NY 12553

Thomas & Mildred Doyle ✓
5 Sunrise Terrace
New Windsor, NY 12553

Michael C. Biasotti ✓
217 Summit Drive
New Windsor, NY 12553

John J. & Charlotte McCormick ✓
3 Ellison Drive
New Windsor, NY 12553

Frank & Palma Cilea ✓
7 Sunrise Terrace
New Windsor, NY 12553

Eileen Potter ✓
9 St. Joseph's Place
New Windsor, NY 12553

Joseph & Donna Pallazzo ✓
21 St. Joseph's Place
New Windsor, NY 12553

Benjamin & Bella Harris ✓
P.O. Box 780
Cornwall, NY 12518

Craig F. & Sylvia Buccieri ✓
28 Cornwall Ave
Cornwall-on-Hudson, NY 12520

Calvin Y. & Virginia N. Evans ✓
1 Valley View Drive
New Windsor, NY 12553

United States of America Chess Foundation ✓
186 Rte 9W
New Windsor, NY 12553

Yolanda Kantarakias ✓
Michael H. Rohlinger
13 St. Joseph's Place
New Windsor, NY 12553

Kevin & Nancy Burlew ✓
3 Valley View Drive
New Windsor, NY 12553

Frank & Eileen M. Dittbrenner ✓
67 Old Rte 9W
New Windsor, NY 12553

Carmine J. & Lucia Bambino ✓
17 St. Joseph's Place
New Windsor, NY 12553

Frank & Margo Bedetti ✓
57 Harth Drive
New Windsor, NY 12553

Jen-The-Sen & Shiai-Li ✓
C/o Fontes Motor Court
180 Rte 9W
New Windsor, NY 12553

Georgina M. Ahl ✓
61 Dunkin Ave
Cornwall, NY 12513

Loyvey & Robert Noe Jr. ✓
7 Valley View Drive
New Windsor, NY 12553

Richard W. Roth ✓
174 Rte 9W South
Newburgh, NY 12550

Jill A. Brown ✓
3045 NYS Rte 9W
New Windsor, NY 12553

GCA Condominium, Inc. ✓
202 Rte 9W South
New Windsor, NY 12553

Gerard J. Kucker ✓
19 St. Joseph's Place
New Windsor, NY 12553

Georgina M. Ahl Trust ✓
C/o Georgina M. Ahl Trustee
26 Union Ave
New Windsor, NY 12553

Pls. publish immediately. Send bill to Ap. @ below address.

PUBLIC NOTICE OF HEARING

ZONING BOARD OF APPEALS

TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 19

Request of James A. Librizzi

for a VARIANCE of the Zoning Local Law to Permit:

existing shed on premises w/ insufficient
side yard;

being a VARIANCE of Section 48-12 Table of Use/Bulk Regs. - Col. F.

for property situated as follows:

15 St. Joseph Place, New Windsor, N.Y.

known and designated as tax map Section 23, Blk. 4, Lot 5.

SAID HEARING will take place on the 14th day of June, 1999, at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 o'clock P.M.

James Nugent.
Chairman

By: Patricia A. Barnhart, Secy.

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

99-19

Date: 5/25/99.

I. Applicant Information:

- (a) JAMES LIBRIZZI 15 ST JOSEPH PLACE (914) 565-2106
(Name, address and phone of Applicant) (Owner)
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
- (d) _____
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- (☒) Use Variance (☐) Sign Variance
- (☒) Area Variance (☐) Interpretation

III. Property Information:

- (a) R4 15 ST JOSEPH PLACE 23-4-5 55X206
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? NONE
- (c) Is a pending sale or lease subject to ZBA approval of this application? NO
- (d) When was property purchased by present owner? YES
- (e) Has property been subdivided previously? NO
- (f) Has property been subject of variance previously? NO
If so, when? _____
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? NO
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail:
THERE IS AN EXISTING 6'X10' SHED BUILT ON PROPERTY.

IV. Use Variance. N/A

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow:
(Describe proposal) _____

TO BE USED FOR GARDEN TOOLS, LAWN CHAIRS, LAWN MOWER, STUMP BLOWER, STEP LADDERS -

(b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

THE HARDSHIP WOULD ARISE IF THE LOST OF ACCESS TO THE SHED IN ITS PRESENT POSITION IS DENIED. PROXIMITY OF STORED ITEMS AND THE CLOSE AVAILABILITY OF THE SNOW BLOWER, AND OF COURSE THE COST OF THE SHED AND THE COST TO REMOVE IT.
NO OTHER MEANS BUT A VARIANCE WOULD ALLEVIATE THIS HARDSHIP.

(c) Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes ___ No X.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

(V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of Use/Bulk, Regs., Col. F.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. _____	_____	_____
Reqd. Side Yd. <u>10'</u>	<u>4'</u>	<u>6'</u>
Reqd. Rear Yd. _____	_____	_____
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Dev. Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____
Parking Area _____	_____	_____

* Residential Districts only

** No-residential districts only

(b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

V. Area variance

(Additional paperwork)

(b)

SITE 23-4-5

In making its determination I hope that the ZBA will take into consideration that the lots in this section of New Windsor being one of the older sections of town does not offer the home owner very much side yardage. The majority of lot sizes are normally no more than fifty feet wide in this area. Take away a ten foot wide driveway and it's even less. The home owners with this problem are at a disadvantage with conforming with zoning than homeowners with normal 100 or more lot sizes. Even the garages are set about 2 to three feet from the boundary line.

This presents perhaps a unique hardship problem that is not applied to everyone in the town of New Windsor. Because of the narrow lot sizes I would almost have to put my shed in the middle of the yard. With the location of trees, pool and slant of the lot, moving it to another location is quite infeasible. The shed is a pleasing salt box design built in place with pine boards. Trying dismantle the shed would destroy its structural soundness.

There actually was no undesirable change or character to the neighborhood nor is it a determined detriment to nearby properties. As you can see in the photos the back of the shed being set in from the boundary line is covered by trees and bushes. Whether the shed remains where it is or moved , it would make absolutely no difference to the surrounding properties sight. The neighboring property also has a driveway separating the shed from their house. It is not noticeable from their side as you can observe from the photos.

The shed also serves a double purpose. For close storage and use of items needed at this location and for the safety and welfare of the neighborhood children. The sheds length of 10 feet also is part of the attached side fencing. The small children which are active on the neighboring side of the property are restricted from entering the yard which would be hazardous to them because of the swimming pool in my yard, if it were removed.

Even though the lot size being unable to yield a reasonable side position for the small 6 foot by 10 foot shed it has not generated any hardships or controversy throughout the years that it has existed.....

whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

Describe why you believe the ZBA should grant your application for an area variance:

PLEASE NOTE ATTACHED PAPERWORK FOR (B)

(You may attach additional paperwork if more space is needed)

VI. Sign Variance: N/A

(a) Variance requested from New Windsor Zoning Local Law, Section _____, Regs.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign	_____	_____	_____
Sign 3	_____	_____	_____
Sign	_____	_____	_____
	_____	_____	_____

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

VII. Interpretation. N/A

(a) Interpretation requested of New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

(b) Describe in detail the proposal before the Board:

VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or

upgraded and that the intent and spirit of the New Windsor Zoning is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

ONE LOOK AT THE PROPERTY AT 15 ST. JOSEPH PLACE
WOULD ASSURE ANYONE THAT I HAVE SPENT THOUSANDS
OF DOLLARS TO BEAUTIFY UPGRADE AND MAINTAIN
FOR 39 YEARS WHICH MOST DEFINITELY HAS UPLIFTED
THE NEIGHBORHOOD AND NEW WINDSOR.

IX. Attachments required:

- ☒ Copy of referral from Bldg./Zoning Insp. or Planning Bd.
- ☒ Copy of tax map showing adjacent properties.
- ☒ N/A Copy of contract of sale, lease or franchise agreement.
- ☒ Copy of deed and title policy.
- ☒ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☒ N/A Copy(ies) of sign(s) with dimensions and location.
- ☒ Two (2) checks, one in the amount of \$50.00 and the second check in the amount of \$300.00, each payable to the TOWN OF NEW WINDSOR.
- ☒ Photographs of existing premises from several angles.

X. Affidavit.

Date: May 25, 1999.

STATE OF NEW YORK)
) SS.:
 COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

James P. Biggs
 (Applicant)

Sworn to before me this

25th day of May, 1999.

XI. ZBA Action:

Patricia A. Barnhart

(a) Public Hearing date: _____

PATRICIA A. BARNHART
 Notary Public, State of New York
 No. 018A4904434
 Qualified in Orange County
 Commission Expires August 31, 1999.

(b) Variance: Granted (___) Denied (___)

(c) Restrictions or conditions: _____

NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS AT A LATER DATE.

(ZBA DISK#7-080991.AP)

**ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR
COUNTY OF ORANGE : STATE OF NEW YORK**

In the Matter of the Application for Variance of

James Librizzi

Applicant.

99-19

**AFFIDAVIT OF
SERVICE BY
MAIL**

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

PATRICIA A. BARNHART, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 7 Franklin Avenue, Windsor, N. Y. 12553.

That on May 25, 1999, I compared the 49 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor regarding the above application for a variance and I find that the addresses are identical to the list received. I then mailed the envelopes in a U.S. Depository within the Town of New Windsor.

Patricia A. Barnhart
Patricia A. Barnhart

Sworn to before me this
25 day of May, 1999.

Deborah Green
Notary Public

**DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
4984065
Commission Expires July 15, 1999**